

**THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
Tuesday, March 1, 2016 at 9:00 A.M.**

PRESENT: COMMISSIONER LARRY A ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

Kim Jackson, Utah County Treasurer
Kris Poulsen, Utah County Assessor
Jeff Smith, Utah County Recorder
Gary Ratcliffe, Utah County Surveyor
Lana Jensen, Utah County Personnel Director
Richard Nielson, Utah County Public Works
Ralph Clegg, Health Department Executive Director
Dalene Higgins, Utah County Sheriff's Office
Michelle Araujo, Utah County Commission Office
Lisa Nielson, Utah County Commission Office
Robert Baxter, Utah County Clerk/Auditor's Office
Brian Voeks, Utah County Commission Office
Rebecca Martell, Children's Justice Center
Annette Dyer, Children's Justice Center
Leslie Slaugh, Attorney
Leighton Shepherd, no other information
Tyson Shepherd, no other information
Linnea Fletcher, Utah County Health Dept.
Robert May, Community Development
Nancy Killian, Utah County Sheriff's Office
Bryce Armstrong, Community Development
Mike Forshee, Utah County Sheriff's Office
Casey Voeks, Lehi resident

Robert Moore, Utah County Attorney's Office
Wayne Burr, Orem resident
Paul Jones, Utah County Attorney's Office
Andrea Allen, Utah County Recorder's Office
David Shawcroft, Utah County Attorney's Office
Cole Cannon, Clearwater application
Christy Long, ADDAPT
Burt Harvey, Clerk/Auditor's Office
Jane Ivie, Utah County Personnel Department
Autumn Jones, Children's Justice Center
Chanel Nagaishi, Children's Justice Center
Amberly Bateman, Children's Justice Center
Kris Kokol, Children's Justice Center
Richard Roach, Spanish Fork resident
Paul Warner, Freedom Festival
Angie Shepherd, no other information
Steve Kitchen, Community Development
Brandon Larsen, Community Development
Josh Ivie, Community Development
Milo Keele, Utah County Sheriff's Office
Bryce Larsen, Utah County Health Dept.
Burt Garfield, Utah County Assessor's Office
Tom Sakievich, Spanish Fork Precinct 15

Commissioner Ellertson called the meeting to order at 8:58 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Paul Warner

PLEDGE OF ALLEGIANCE: Cole Cannon

Commissioner Ellertson re-ordered the agenda. Commissioner Lee announced the Employee of the month as Amberly Bateman of the Children's Justice Center. Commissioner Ellertson moved Regular Agenda Item No. 21 to be address first.

REGULAR AGENDA

- 21. APPROVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION ON REQUEST OF CLEARWATER HOLDINGS, LLC (KYLE BATEMAN) TO MODIFY THE PRIOR CONDITIONAL**

APPROVAL OF A REQUEST TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP TO EXTEND COUNTY ROAD 3200 WEST FROM THE NORTH PROPERTY LINE OF LOT 2 OF THE GILES SUBDIVISION, PLAT "A", NORTH TO THE NORTH SECTION LINE OF SECTION 5, T8S, R2E, THEN ALONG THE SECTION LINE WEST TO THE WEST PROPERTY LINE OF PARCEL NO. 21:081:0001 (THE "ROAD EXTENSION") (CONTINUED FROM THE FEBRUARY 16, 2016 COMMISSION MEETING)

Leslie Slaugh, representing the Giles family, gave documents to the commissioners. He spoke about the proper location of the road and encouraged the commissioners to use the section line as the real boundary line of the south boundary of the public road. He discussed the original slope to the road and where the land can now be accessed. The road is currently used to drag farm equipment along the surface of the dirt road. There are gates along the road that allow access to the field. He stated the County's proposal would change all of that access.

Shane Giles explained his how farm equipment is dragged on the road. He discussed where the fences were located when he purchased the property and due to needing a wider road, he said he moved the fence line and widened the road. He said the historic line is down the center of the road. A discussion followed about whether he would be able to drag his equipment down this road if the section line was used and if the slope remained the same. This discussion continued about where the asphalt would be placed on the road. When asked where the asphalt would be placed, Commissioner Graves stated it would be 13 feet north of the section line which would be the start of 30 feet of asphalt (hypothetically). Commissioner Ellertson stated he thought it needed to be understood that the 13 feet would be in the county road right-a-way. Richard Nielson said the 56 foot right-a-way has a 30 foot asphalt strip down the center of it. Then, there are unpaved portion where they can take farm equipment. Commissioner Ellertson asked if the Richard thought the road would be at the same elevation or higher. Richard replied it would be at the same elevation or higher. Shane asked if it was higher to which Commissioner Graves answered with a three foot shoulder, he would still have the 10 feet from the 3 foot shoulder that in essence would not change. It would be very slow slope using what is there as the existing line. After a discussion between Shane and Richard, Commissioner Graves said Shane's concern was after the opening, the road level would need to stay level. Where his farm land is, the land drops off 4 to 5 feet. Due to this, he said, his concern is once you build it up 2 to 3 feet, there could be a 7-8% grade. Commissioner Ellertson said the shoulder would basically maintain the level of the road. Commissioner Lee asked Richard if he thought, while looking at the map, if there was 18 feet of space to drag down that side. Richard answered he had not measured it. So, he couldn't give an answer just by looking at a map.

Cole Cannon, representing Kyle Bateman, discussed a previous agreement from April 23, 2013 between the Giles and Batemans that said the property that runs on the north side of the fence is a public right-a-way. He explained basically the ruling by Judge McVay was that for the road the fence line was the appropriate thing that we could not approach upon. Commissioner Graves asked if that meant the section line. Cole answered no, the fence line that was established. He described checking the aerial photography and found the south fence line has not moved since the Giles purchased the property in 1996. He commented on Mr. Giles wanting 18 feet in order to drag equipment. He said they asked that the 56 feet right-a-way begin at the fence line compared to the Giles wanting it to begin at the section

line. He suggested no asphalt be put except north of the section line and assure by stipulation that there be at least 18 feet between their fence line and where the asphalt begins. Commissioner Ellertson asked Richard if they were looking at building a 30 feet road section that includes 24 feet of asphalt, 3 feet shoulder on each side. He also asked would the 18 feet need to be outside the right-a-way. Commissioner Graves said the difference is whether we go with the fence line and/or the section line because if we go section line, we don't need to worry about what you are talking about because there is plenty of room. He continued saying the historical section line was created for property lines.

Dave Shawcroft stated the current document requires the entire road dedication be from the section line to the north. Richard Nielson commented on the consequences if the paved section is shifted too far to the north. Commissioner Ellertson said they entire 56 feet would shift based on what Mr. Shawcroft said. Cole added the 56 feet will begin at the shoulder. He said in other words, due to the current cross section for the 56 foot right-a-way, you have 16 feet of easement or clear section. We are saying we are okay if the Giles want to drive their farm equipment on the road. If they need a little extra, that is fine. He continued commented what they didn't think was fair and is a contradiction of the court order because it is a publicly dedicated road by stipulation. Commissioner Graves said it is a public road with underlying ownership by both Bateman and Giles that meets at the section line. Dave said that is why it is drafted the way it is. Commissioner Graves said if it went from the action fence line, it would be taking actual property from the Giles. He said if Mr. Bateman wants to improve on his property, then Mr. Bateman should improve on *his* property.

Cole added if the commission insists that the road has to be 100% built on the section line or north, which we don't think jives with the court order, the ostensible conflict will be in how the document is drafted. This is because the commission requests there not be a nuisance strip created. He said in his mind if you have a right-a-way beginning at the section line, you are going to have a nuisance strip on the public road. Commissioner Graves interjected no because you are going to deed over that 56 feet to the County. Dave Shawcroft agreed 56 feet will be deeded over to the County. Commissioner Graves added there will be Giles' property, 56 feet, county and then Mr. Bateman's property. Commissioner Ellertson said if he understood the question, anything south of the section would then be in accordance with their deed to the point where it begins. Theoretically, the nuisance strip would not exist. Dave replied correct. Commissioner Graves said that is because we are saying the Giles own to the section line and that Mr. Bateman owns to the section line as we are saying that is the section line. Cole commented that on the map where the red line goes through, the court has judged to be a public road. To this, Dave said, that does not affect underlining ownership. That is only an easement for the road. The underlying ownership remains as it has historically been.

Commissioner Graves asked who has the ability to change and reclassify roads. The three of us, right? Cole asked if they were vacating the court ruling. Commissioner Graves answered they could but are not. Dave also said they weren't. Commissioner Graves said they were defining it as the section line which was clearly identified with a monument which is several thousand feet from there that says this is the property line. Looking at the map, Commissioner Graves said from 56 feet on here, we are accommodating all of Mr. Bateman's requests. He continued saying but, all development is going to happen on his property.

Kyle Bateman said they would like to accommodate the Giles in any way reasonable. He spoke about an existing structure that would need to be missed by putting in a slightly larger radius on the turn. He also said he also would like to move equipment up and down the road. He said due to this he would like to stipulate that it remain in the public domain so he could use the road, too. When Kyle spoke about the Giles moving the fence line up to the section line, Commissioner Graves said he didn't believe the Giles would be moving their fence. Kyle then stated if that was so, then the road should be kept permanent. Commissioner Lee said if it was kept in public domain it would be kept publicly accessible. Kyle asked the county not vacate that section to the Giles so he can still use it. Commissioner Graves said the Giles already have ownership; we are not vacating it. He continued saying we are relinquishing our claim as a public access road. To this Commissioner Ellertson countered saying no, we are not. Dave said we are not relinquishing anything by this action. Commissioner Ellertson said we are defining the new road, beginning at the section line and going north. The existing road that has been declared a public road will remain as it is currently.

Dave Shawcroft explained by statute, when a road is dedicated to the public by use, it cannot be vacated except for official action from this body. Commissioner Graves said he thought we were creating a nuisance strip. If we going and make this the property line, we are going to relinquish it because if Mr. Bateman wants access for his farm property, it can come off his property. He can put the road where he wants. If he wants to make a 20 foot road and fence it, and put the 56 foot right-a-way inside it, we are not going to stop him. Dave said so could the Giles somewhere else on their property. Commissioner Ellertson said to keep in mind that the request is to use part of the new road right-a-way as well as that piece of property. So, what we are saying is, we are acknowledging that the fact is that is there a road and it will remain as part of the public domain. Dave commented that is correct. He continued saying but with regard to the new road, it has to start from the section line to the north and continue north in its entirety on the Bateman property.

Commissioner Graves stated currently the road after the bend; the entire bend is public access road. But, the first 50 feet is on Giles property technically. They are the underlying owners of it. That road is still going to remain because it is still going to be a dirt road. However, the 56 foot right-a-way starts on that side. So even though there is a turn, that turn isn't the case. We are going to extend it another 30 feet before we go east and west. That is in essence what we are doing. Commissioner Lee said there will be two roads. Commissioner Graves said there will be two roads. One will be a dirt road and the other a paved Class B road. Commissioner Ellertson agreed that is what we are saying. Commissioner Graves stated then all of the farm equipment can move up and down the road. Kyle said they requested it remain in the public domain if they are going to use it. Commissioner Graves asked Dave if he felt that was covered in the document. Dave said a provision could be added to it to clarify that.

Mr. Slauch clarified there would be two roads essentially. We would have agriculture access usable by both parties. He discussed an ambiguity in paragraph 14 in the proposed findings on page 4. It says the road extension except for the Giles section shall be constructed completely on property owned by Clearwater. That part is clear. To him, he said, that meant north of the section line. The second part says "A portion of the road extension which runs along the north section line..." Commissioner Graves interrupted asking if we are going to call that the property line, then why is it not from the fence line. Why does the 56 foot right-a-way not start from there? He continued saying if we are going to come

down and say this is public access, why don't we say this is from the existing fence line which is on the aerials as well. Leslie explained that is the ambiguity where we say we are going from the Giles' fence line rather than from the Clearwater fence line. Leslie then continued reading from the document the two sections previously referred to. He said "along the north section line, shall have as its southern boundary the north boundary of the Giles' parcel. " He asked if that meant the yellow line or the section line. Commissioner Ellertson said the way he read it, it was the section line. Commissioner Graves said we needed to clearly state it is the section line because we have been in litigation on this matter for several years. Leslie reiterated there is an ambiguity in that paragraph. Commissioner Ellertson said all we need to do is to add a part that says the section line. Dave asked for clarification because the intent was that it meant the same thing. Commissioner Lee said we were looking at it that the section line was the boundary for both properties. Commissioner Graves explained he still struggled with the fact that we are going to call the section line, the property line. We should be vacating that strip. In his opinion, he said what we are in essence saying is that section line is the property line. "Okay, Mr. Bateman, from there you are going to deed over to the county, but the county is not going to relinquish public access even though we don't need it. We have a 56 foot right-a-way. Giles you are going to allow Mr. Bateman to draw his stuff there even though we acknowledge it is your property, that you own it. But, you can't do what you want with it, but Mr. Bateman you can." Commissioner Lee said he didn't think either party wanted to do that. Commissioner Ellertson said the Giles want to use part of the new road right-a-way. Commissioner Graves asked if we went to the fence line, the Giles' fence line and the Bateman fence line, then Kyle could put the 56 foot inside his fence line. To him, if we are doing it one way and not the other, it does seem to be tipping in favor of Mr. Bateman.

Commissioner Ellertson asked what the distance was between the section line and the existing fence line. Commissioner Graves answered it depended on what portion of the road. Commissioner Ellertson continued saying that what he heard Mr. Giles say was he needed a pathway that he could have enough room to use and some of that would go beyond the section line. Commissioner Graves agreed. He added a comment on a few weeks ago there was a property owner where we talked about future subdivisions and roads, allowing roads and giving up their lands. He spoke about the red section line, and the yellow property line which said is the taxed property line. He said "This is because the road runs north and south at the end, and is also a Class D county road which is currently gated and stopped. We claimed that and Mr. Bateman is claiming that it is his private property. So again, this road is improved by Mr. Giles (and has a letter from the previous owner); they acknowledge it is a public access road. I have no debate there."

At this point, Commissioner Lee said he must be missing something. As he saw it, if we go from the section line, there will be opportunity for use down the south side of the road for farm equipment if we go from the section line and go north. He again asked if he was missing something since farm equipment can be used and it is a public access so anybody can use it. Commissioner Lee asked who was against that. Commissioner Graves answered Mr. Giles was against that per their conversation the day before. Commissioner Graves continued asking how Mr. Bateman would get his farm equipment on the public access road when he wanted to take his farm equipment it there. He answered through the Giles' property. He said that was the whole problem. Commissioner Lee asked what he meant by "Giles' property" as it is public access. Commissioner Graves stated Mr. Bateman would have to cross a 56 foot right-a-way road to come onto Giles' property. It still owned by the Giles. Commissioner Graves

explained the problem is the east end of this the entire road is within the section line. “There will be a 56 foot right-a-way that is straight and also a section that is jagged. Why can’t we claim, just say that property, and vacate it. Give that to the Giles and make this as clean as possible. Let Mr. Bateman do his development and what he wants to do with his land all on his property.”

Commissioner Lee asked Mr. Giles if he had access down that side, would he want that to be public or to put a fence up. Shane explained the fence line the further west you go goes down a hill. So from the fence line to the edge of the road is virtually useless now. He explained that if everything is coming off the fence, he will be driving on the side of the hill. He said he needs 18 feet of flat ground or he will be in a barrow ditch. Commissioner Lee said if he went from the section line north for a ways until you hit the shoulder, there would be some distance he would be gaining. Commissioner Ellertson asked all the parties to work together so this will work. He said the right-a-way is still there.

Commissioner Graves commented they did not want to give up the public easement. He asked why. “If we are getting a deed of a 56 foot right-a-way, which is all we require, why would we take additional land and not give it back for agricultural purposes.” He continued asking why we can’t vacate it because we are accepting a 56 foot right-a-way. He said: “We talk about not wanting to take people’s land by their mistake which he admits by making a road and widening it that made it a public road. We are taking a 56 right-a-way on the north side of the section line. So why do we need anything south of this section line because we don’t need anything wider than 56 feet.” Commissioner Ellertson answered because we have two property owners trying to work out a difficult situation. It takes both of those to do it. Commissioner Graves added except if they ever have a property owner who wants to subdivide their property and everything goes on their property, they might sometime need a county permit to cross a county Class B road. He said that wasn’t what we are talking about here. “We are acknowledging in our own statement, that the red section line on this map is the property line. We no longer need to have a claim to that because we have a County public road right-a-way that Mr. Bateman will be able to use. Mr. Giles will be able to use and everyone in the county will be able to use because it will be a County public road.” He said he didn’t understand why we would need it wider. Commissioner Ellertson said: “it sounded like they have what you want, that we have a situation where you would have access on the south side that you want.” Shane answered in a sense, but he hadn’t seen what was on the other side. Commissioner Ellertson said all he was getting at was Shane could do something to change that potentially. He explained his experience on the farm and how things can be dragged when the ground isn’t totally flat. He said he believed Shane could work it out if he was willing to do it. Commissioner Ellertson said what he was hearing was they were saying fine, let’s do this and put it on the north side of the section line. Then, let’s see if we can work together to use what would still be a public access so that we can both use it. He asked Shane if he had a problem with that proposal. Shane answered yes because the Bateman’s side was level but his side drops off. Commissioner Ellertson explained the Batemans would be using the same side as Shane. He asked Shane if there was another way of getting his equipment down there. Commissioner Graves asked why we would be telling a land owner how to do it. Commissioner Ellertson said he wasn’t trying to tell him how to do it. “He could figure it out another way to get it down there. He has land all the way down.” Commissioner Graves said: “If we call the section line and give him a 56 foot right-a-way, we abolish our claim to that and just take the 56 foot right-a-way. He has no problem with that.” Commissioner Lee

asked if Shane cared whether or not it is a public access road. Commissioner Ellertson asked Shane if he planned on moving the fence. Shane answered no, he can't move the fence. Commissioner Graves replied: "He can't, if he could, he would." Commissioner Ellertson asked why. He continued saying: "Why would he move the fence. If he does, he can't drag his equipment." Commissioner Graves stated he didn't understand why we lay claim to something we don't need. He continued stressing he didn't understand why we feel entitled to keep it when we are getting a deeded 56 foot clean road. Leslie said that is because Kyle Bateman still wants the dirt road. Commissioner Graves said: "But he doesn't own it." Commissioner Lee said: "The public does." Commissioner Graves said he felt we were illegally taking claim to land that isn't ours because we are drawing a section line. He stressed he couldn't believe we were taking land we didn't need. Both other Commissioners answered that it was a public road at their own request. Commissioner Graves countered they were going to access the road at the expense of the Giles' property. Commissioner Ellertson reiterated he wants access to it. Right now it is a public access road.

Kyle stated his proposal was to groom the 18 foot section and make it 20 feet if needed until the county is happy with it and the Giles have enough room for their equipment. He said: "We can give it an extra couple of feet." He continued stating that he would ask for the asphalt to start there after that clearance and have another 16 feet on the other side. The reason he said he requested that was so weed and dense spots can be minimized. He said: "We will have a privately maintained farm access road that is the proper width on one side that will serve also as the part easement/part access road. It will have the full 16 feet on the other side. I can grade that and work it until the county is happy with the grade and then put a cap on it." To this Commissioner Graves said: "That doesn't work because in essence that is not using the section line. That is using the Giles' fence line." He continued saying: "We have to use real property. We have been out with Gary to look at the monument to find real property rights. We need to use those lines."

Richard Nielsen said he was okay to have the 16 feet on the north side of the road, 30 feet of the paved section and shoulders, and whatever is on the south side. He said: "The thing we need to make sure we have is the dedication of the 56 feet." Commissioner Graves stated: "We are all willing to say as long as we get what we need to turn around, Giles' property be damned. We don't care. That is really what we are saying."

Cole commented that in the opinion of the County Engineer, to make the turning radius to get into there, we will give the 18 feet flat. Commissioner Graves stressed: "if they wanted to do that, put the 56 feet on their property. That is how development is done every day in this county. If you want development done, then put it on your own property. So you can't lay claim to public access if they can't lay claim to public access." Commissioner Ellertson asked Commissioner Graves who he would give the existing road to. To this Commissioner Graves answered: "We will keep it because for some reason we need it. If we go back to the section line, I'd give the section line and everything north of it to Kyle. Everything south of the section line, I'd give to the Giles. Then, if Kyle wants to do development, we relinquish our claim. Because we lay claim to a Class B road that he has a padlock on. He has already laid claim to a Class B, excuse me, a Class D road that is on our map. So already there is no access to the lake because he is in violation of the county code as it is." Commissioner Ellertson asked to stick to the issue at hand. Commissioner Graves said it is the issue. He said: "We are talking about county roads

and property. Commissioner Ellertson said the issue at hand is this north-south road.

Commissioner Lee made the motion to approve the findings and facts as stipulated and the conclusions of law as stated in Item No. 21.

For clarification, Dave Shawcroft suggested the dates that say April 1st, be changed to May 1st.

Due to a lack of a second, Commissioner Ellertson seconded the motion and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
NAY: Greg Graves**

Commissioner Graves asked Richard Nielson what the need for public access was on a slanted road that doesn't have any congruency to the road. He said: "So, we have a fence line that is not parallel to the section line. We are using the section line in this agreement which I agree with. I agree the section line should be the road. But, we are saying we have public access. Do we truly have public access when we have never gone out and maintained one ounce of that road?" Commissioner Graves spoke about the differing widths of the road. Richard explained that is the nature of a public road that is not dedicated. He said the fence lines vary all the time. Commissioner Graves said that is the essence of a nuisance strip. It is useless property now. Richard gave a description of a nuisance strip. Richard explained he found there is a gap between ownerships of the property and the section line is somewhere in between the gaps. Commissioner Graves ended by saying his nay vote was also because he didn't think Kyle Bateman should be stipulated into using one house per parcel. He said: "You should be able to do what you want with your property."

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR APPROVING THE LIMITED DELEGATION OF AUTHORITY OF THE PURCHASING AGENT TO SUSAN BURSETT**
- 2. DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT SURPLUS AND ALLOW DISPOSTION BY PUBLIC AUCTION**
- 3. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO LAND TITLE FOR INTERNET ACCESS**

The Board requested that Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

- 4. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH STATE UNIVERSITY FOR INTERNET ACCESS**

The Board requested that Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.

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PULLED TO REGULAR

5. **APPROVE (OR DENY) R ROACH SUBDIVISION, PLAT "A" SUBJECT TO THE CONDITIONS IN THE STAFF REPORT**

6. **APPROVE (OR DENY) EGG FARM SUBDIVISION, PLAT "A" SUBJECT TO THE CONDITIONS IN THE STAFF REPORT**

The Board requested that Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

7. **APPROVE OR DENY A REQUEST FROM COSTCO FOR AUTHORIZATION TO CONDUCT MARKETING ACTIVITIES IN THE LOBBIES OF THE ADMINISTRATION BUILDING, HEALTH AND JUSTICE BUILDING AND THE PUBLIC WORKS BUILDING ON APRIL 7, 2016 PURSUANT TO THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY POLICY**

8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT 2077-81 WITH THE UTAH DIVISION OF FACILITIES CONSTRUCTION & MANAGEMENT FOR LEASE OFFICE SPACE OCCUPIED BY THE CHILD ABUSE TASK FORCE**

9. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

10. **APPROVE TAX CREDITS AND REFUND RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER 60337 DATED 02/23/2016**

The Board requested that Consent Agenda Item No. 10 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF ELECTRONIC MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON MARCH 8 AND 15, 2016**

12. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2016-6**

The Board requested that Consent Agenda Item No. 12 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

13. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE #2010-4 AND RESOLUTION # 2011-64 OF THE UTAH COUNTY CODE**

14. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY**

15. RATIFICATION OF PAYROLL FOR FEBRUARY 23, 2016

16. RATIFICATION OF WARRANT REGISTER SUMMARY FOR FEBRUARY 16, 2016 (CONTINUED FROM THE FEBRUARY 9 AND FEBRUARY 16, 2016 COMMISSION MEETINGS)

The Board requested that Consent Agenda Item No. 16 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

17. RATIFICATION OF WARRANT REGISTER SUMMARY FOR FEBRUARY 23, 2016

18. RATIFICATION OF WARRANT REGISTER SUMMARY FOR MARCH 1, 2016

Consent Agenda Item Nos. 1, 2, 5, 7 through 9, 11, 13 through 15, and 17 through 18 were approved as written. Commissioner Ellertson recommended the following Regular Agenda Items be moved to Consent:

- 1. APPROVE THE MINUTES OF THE JANUARY 12, 2016 COMMISSION MEETING (CONTINUED FROM THE FEBRUARY 9 AND FEBRUARY 16, 2016 COMMISSION MEETINGS)**
- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH INDEPTH SOLUTIONS TO PROVIDE TITLE SEARCH REPORT FOR THE ANNUAL MAY TAX SALE**
- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IRADV6075 COPIER, SERIAL NO. HTK10686, LOCATED IN THE RECORDER'S OFFICE; EXPIRES 02/27/2017**
- 7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN ADV5030 COPIER, SERIAL NO. GNG52448, LOCATED IN THE COMMISSION OFFICE; EXPIRES 3/16/2017**
- 8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1023 COPIER, SERIAL NO. TJR42539, LOCATED IN THE SHERIFF'S OFFICE; EXPIRES 3/15/2017**
- 9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICAN FOR AN IR5050 COPIER, SERIAL NO. DZA07691, LOCATED IN THE CLERK/AUDITOR'S OFFICE; EXPIRES 03/29/2017**
- 13. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIRMAN TO ACCEPT COMPLETION OF THE IMPROVEMENTS AND COMMENCE THE ONE YEAR WARRANTY PERIOD FOR THE MECHAM RANCH PLAT A SUBDIVISION**

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AUTHORIZATION FOR ADDITIONAL SERVICES PURSUANT TO AGREEMENT 2013-541 WITH GSBS FOR THE HISTORIC COURTHOUSE ROOF/PARAPET PHASE 2 PROJECT
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT FOR THE STATE OF UTAH, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY, FIRE AND STATE LANDS TO PAY UTAH COUNTY \$15,000 FOR PHRAGMITES TRAMPLING WORK ALONG THE SHORELINE OF UTAH LAKE
16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE LICENSE AGREEMENT WITH UTAH VALLEY CONVENTION CENTER FOR ANNUAL SHERIFF'S OFFICE AWARDS BANQUET
17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH NIJ FOR ONLINE TRAINING
18. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO THE COMMISSARY SERVICES AGREEMENT WITH TRINITY SERVICES
19. APPROVE AND AUTHRIZE THE COMMISSION CHAIR TO SIGN AMENDMENT #6 TO CONTRACT 2011-188 BETWEEN UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND THE STATE OF UTAH DEPARTMENT OF HUMAN SERVICES UPDATING THE SCOPE OF WORK LANGUAGE IN THE CONTRACT
20. APPROVE AND AUTHORIZE AN AGREEMENT WITH UTAH VALLEY UNIVERSITY FOR USE OF PREMISES ON MARCH 24, 2016. THIS EVENT IS IN PART WITH KICK BUTTS DAY, A DAY OF YOUTH ACTIVISM THAT EMPOWERS YOUTH TO STANDOUT, SPEAK UP AND SEIZE CONTROL AGAINST BIG TOBACCO. THIS YEAR'S THEME IS: DON'T LOSE YOUR VOICE, BIG TOBACCO IS A CHOICE
23. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 04:084:0004 (AGREEMENT 2015-275A)
24. APPROVE AND AUTHORIZE AN UPDATED EXHIBIT "B", SCHEDULE OF FEES, TO AGREEMENT NO. 2015-89 BETWEEN UTAH COUNTY AND WEST COAST CODE CONSULTANT, INC., A CALIFORNIA CORPORATION, DBA KIMBALL ENGINEERING PROFESSIONAL PLAN REVIEW AND INSPECTION SERVICES
25. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND AMERICA'S FREEDOM FESTIVAL
26. APPROVE AND RATIFY THE SIGNATURE OF THE COMMISSIONER CHAIR FOR THE RENEWAL OF AN AGREEMENT BETWEEN UTAH COUNTY AND ERGOMETRICS FOR TESTING SERVICES

29. **APPROVE OR DENY REQUEST OF CLEARWATER HOLDINGS, LLC (KYLE BATEMAN) TO MODIFY THE PRIOR CONDITIONAL APPROVAL OF A REQUEST TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP TO EXTEND COUNTY ROAD 3200 WEST FROM THE NORTH PROPERTY LINE OF LOT 2 OF THE GILES SUBDIVISION, PLAT "A", NORTH TO THE NORTH SECTION LINE OF SECTION 5, T8S, R2E, THEN ALONG THE SECTION LINE WEST TO THE WEST PROPERTY LINE OF PARCEL NO. 21:081:0001 (THE "ROAD EXTENSION") (CONTINUED FROM THE AUGUST 18, SEPTEMBER 22, AND NOVEMBER 3, 2015; AND FEBRUARY 9 AND FEBRUARY 16, 2016 COMMISSION MEETINGS)**

Per Dave Shawcroft, okay to strike as this item was included in Item No. 21.

ACTIONS TAKEN

Consent Agenda Item No. 1, 15, 17 and 18 were ratified; Nos. 3, 4, 6, 10, 12, and 16 were tabled for more discussion; Nos. 5, 7, 11 and 13 were approved; Nos. 8 and 11 were approved and authorized; No. 14 was adopted. Regular Agenda Item No. 1 was approved; Nos. 5 through 9, 13 through 20, 24 and 25 were approved and authorized; No. 11 was adopted; No. 26 was approved and ratified; and No. 29 was stricken.

AGREEMENT NOS.: 2016-151, 2016-152, 2016-153, 2016-154, 2016-156, 2016-157, 2016-160, 2016-163, 2016-164, 2016-165, 2016-166, 2016-167, 2016-168, 2016-169, 2016-170, 2016-171, 2016-172, 2016-173, 2016-174, 2016-175, 2016-176, 2016-178, 2016-179, 2016-180

RESOLUTION NO.: 2016-18

ORDINANCE NOS.: 2016-6, 2016-7, 2016-8

REGULAR AGENDA

(PULLED FROM CONSENT)

3. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO LAND TITLE FOR INTERNET ACCESS**

Paul Jones and Andrea Allen explained this provides wireless internet access for three Provo Land Title employees to have dedicated chair space in the public access area of the Recorder's Office. They are paying for that access. Dave Shawcroft questioned the agreement saying the Provo Land Title's place of employment in the building.

Commissioner Graves made the motion to continue Item No. 3 for one week. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William c. Lee
Greg Graves
NAY: None**

CONTINUED TO MARCH 8, 2016

4. APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH STATE UNIVERSITY FOR INTERNET ACCESS

Paul Jones explained this location is near the Jail Complex. Dalene Higgins explained the building is located between the animal shelter and mosquito abatement.

Commissioner Lee made the motion to approve Consent Agenda Item No. 4. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO.: 2016-153

6. APPROVE (OR DENY) R ROACH SUBDIVISION, PLAT "A" SUBJECT TO THE CONDITIONS IN THE STAFF REPORT

Commissioner Lee asked to have the declaration of dedication of water clarified. Brandon Larsen explained the important thing is that it supplied water rights.

Commissioner Graves made the motion to approve Consent Agenda Item No. 6. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO.: 2016-155

10. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER 30667, DATED 02/23/2016

Commissioner Ellertson questioned the Christensen property that is on Greenbelt. Kris Poulsen explained on Item No. 10 a wrong number was given. Item No. 12 is to correct that number.

Commissioner Graves made the motion to approve Item No. 10 on the Consent Agenda. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO.: 2016-159

12. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER 2016-6

Commissioner Ellertson recused himself from voting because of the names on a couple of the properties. He explained there were some on the list that were continued from two weeks ago. Dianne Orcutt explained these were denied due to post mark and medical issues. Commissioner Graves and Commissioner Lee discussed the Board's sympathy for these individuals but how State Code sets the rules on penalties.

Commissioner Lee made the motion to approve the actions found in the recommendation letter on Consent Agenda Item No. 12. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: William C. Lee
Greg Graves
NAY: None
RECUSED: Larry A. Ellertson**

AGREEMENT NO.: 2016-11

16. RATIFICATION OF WARRANT REGISTER SUMMARY FOR FEBRUARY 16, 2016 (CONTINUED FROM THE FEBRUARY 16, 2016 COMMISSION MEETING)

Commissioner Lee requested pulling out 15-185 and 15-186 (Check No. 215412 and Wire No. 600). He commented he would like to vote no on those two items but is fine on the rest of them. He continued saying he wished more communication on these two. Discussion followed on how to approve part of the registry summary and against the two items.

Commissioner Lee made the motion to approve all in Item No. 16 except for the two listed as Check No. 215412 and Wire No. 600. Due to a lack of a second, Commission Graves made a motion to approve the warrant registry in their entirety as stated in Consent Agenda Item No. 16 with the stipulation for Wire No. 600 and Check No. 215412 due to Commissioner Lee's dissent on the item. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

REGULAR AGENDA

2. APPROVE THE MINUTES OF THE JANUARY 19, 2016 COMMISSION MEETING

Commissioner Ellerston commented there are some misspelled names that need correcting.

Commissioner Graves made the motion to approve the Minutes of January 19, 2016 with changes. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

3. APPROVE THE HEALTH DEPARTMENT’S ACTING PAY REQUEST FOR THE DIVISION DIRECTOR-WIC POSITION, TO BEGIN IMMEDIATELY AND CONTINUE UP TO SIX WEEKS OR UNTIL FILLED

Commissioner Lee made the motion to continue Item No. 3 for one week. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

This agenda item was revisited after the closed sessions.

Commissioner Graves made the motion to reconsider Regular Agenda Item No. 3. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

Commissioner Graves made the motion to approve Regular Agenda Item No. 3. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

4. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 2-1-6 OF THE UTAH COUNTY CODE, BY AMENDING UTAH CLERK/AUDITOR FEE SCHEDULE

Bryan Thompson and Commissioner Ellertson discussed the raising of the Clerk/Auditor Office’s administrative fee to \$165 from \$100 because title searches to clear up ownership issues during the Tax Sale process cost \$65.

Commissioner Graves made the motion to approve adopting the ordinance in Item No. 4. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

ORDINANCE NO.: 2016-6

10. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE OFFICAL UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENT (CE-1) ZONE TO THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE FOR PARCEL 33:009:0019 LOCATED IN SECTION 32, T11S R4E, NEAR THE UTAH COUNTY BOUNDARY WITH SANPETE COUNTY

Bryce Armstrong discussed where this property is located and the reason the owners are requesting the zoning be changed. He described the property as irrigated farmland whereas the surrounding land is rangeland. Commissioner Lee said it looked like rangeland to him, too. He asked if this was contingent on approval by UDOT. Bryce answered yes. The owners want to build a dwelling on the property.

Commissioner Lee made the motion to adopt the ordinance in Item No. 10. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee**

**Greg Graves
NAY: None**

ORDINANCE NO.: 2016-7

11. ADOPT AN ORDINACE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED

Commissioner Graves made the motion to adopt an ordinance listed in Item No. 11. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

ORDINANCE NO.: 2016-8

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN AN AMENDMENT TO AGREEMENT 2015-839 WITH CATTLE BARONS TECHNOLOGIES, INC FOR PHRAGMITES TRAMPLING ON AN AREA OF THE UTAH LAKE SHORELINE

Commissioner Lee made the motion to approve and authorize the agreement as stated in Item No. 12. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

AGREEMENT NO.: 2016-168

22. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A RESOLUTION CONSENTING TO THE STEELE ANNEXATION INTO SANTAQUIN, UTAH

Robert Moore discussed the annexation petition process and why this property can be annexed.

Commissioner Lee made the motion to approve and authorize the commission chair to sign the resolution in Item No. 22. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

RESOLUTION NO: 2016-19

27. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT MODIFYING THE 2010 INTERLOCAL COOPERATION AGREEMENT THAT ESTABLISHED THE JORDAN RIVER COMMISSION

Dave Shawcroft discussed the differences in the agreements. Upon request from Commissioner Lee, Dave explained the binding ability in Section 9.3. Dave said if they determine to take some project that may require bonding for example, then each member that wants to take part in that project will have to independently authorize bonding so they would be committed to those funding sources. Specific approval is required from each entity that wants to participate. Commissioner Lee asked if Dave was comfortable with this in the sense that we are not being bonded in any way by their vote or actions. Dave answered right. Commissioner Lee also asked Dave to explain the “out” clause in the agreement. Dave said there is an ability to withdraw from the entity itself. He said he checked and that provision did not change so the amendments do not modify those provisions at all. There is an amendment that we do have to give notice before the adoption of the budget. This would be in writing no less than 30 days after the annual budget is approved.

Commissioner Graves made the motion to adopt the resolution stated in Item No. 27. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

RESOLUTION NO.: 2016-20

28. APPROVE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-561 WITH THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS, EXTENDING THE TERM TO DECEMBER 31, 2016

Paul Jones explained this agreement is to extend the dates on a revolving loan fund.

Commissioner Graves made the motion to approve the item stated in Item No. 28. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**

NAY: None

AGREEMENT NO.: 181

30. ADOPT AN ORDINANCE AMENDING SUBSECTION 20-1-2 OF THE UTAH COUNTY CODE RELATING TO THE ENFORCEMENT AND SUPERVISION OF SCAVENGER WORKS IN UTAH COUNTY (CONTINUED FROM THE FEBRUARY 16, 2016 COMMISSION MEETING)

Commissioner Lee made the motion to adopt the ordinance as stated in Item No. 30. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

ORDINANCE NO.: 2016-9

31, APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN UTAH COUNTY COMMISSION AND THE UTAH COUNTY CLERK/AUDITOR REGARDING THE SUPERVISION AND DIRECTION OF THE UTAH COUNTY PURCHASING MANAGER AND THE PHYSICAL LOCATION OF THE COUNTY PURCHASING OFFICE (CONTINUED FROM THE FEBRUARY 16, 2016 COMMISSION MEETING)

Commissioner Ellertson and Robert Moore discussed how the document quotes state statute. Rob discussed the difference in the Purchasing Agent and the Purchasing Manager, the history of the agreement, the changes that need to be done to the purchasing rules, and the physical location of the office. Next, Commissioner Graves asked if state statute allows for the Purchasing Manger to be located in the Clerk Auditor's Office. Rob explained it did allow for them to be in the physical office of the Clerk/Auditor. Bryan Thompson spoke about the desk, computer, monitors the previous purchasing agent used so that they wouldn't need to be repurchased. Rob suggested the version of the agreement from the previous meeting be approved.

Commissioner Graves made the motion to approve and authorize the agreement with the stipulated changes in Item No. 31. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO.: 2016-184

32. APPROVE AND AUTHORIZE THE COMMISSIONER CHAIR TO SIGN AN AMENDMENT TO AGREEMENT 2015-723 WITH KIDS ON THE MOVE FOR ADDITIONAL FUNDING OF \$25,000 TO THEIR COMMUNITY DEVELOPMENT BLOCK GRANT

Commissioner Graves made the motion to approve and authorize the agreement in Item No. 32. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO.: 2016-185

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

- 36. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

STRICKEN

Commissioner Lee made the motion to strike Regular Agenda Item No. 36 on the Regular Agenda. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

- 33. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

SET

34. APPROVE AND SET A DATE, TIME, AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Lee made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

35. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease or real property, water rights, or water shares to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Wayne Burr, Orem resident, questioned why the chair did not change to the vice-chair this year as was historically done. He also asked why this couldn't be brought up and voted on today. Discussion between Mr. Burr and the commissioners occurred on what occurred previously and what could occur next year.

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This concluded the public comment portion of the meeting and the meeting recessed at 11:10 A.M. to go into closed meetings. The public meeting reconvened at 12:22 P.M. The Commissioners then revisited Regular Agenda Item No. 3.

Commissioner Lee made the motion to adjourn the March 1, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee**

**Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 12:25 P.M. The minutes of the March 1, 2016 Commission meeting were approved as transcribed on March 15, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the County Website at www.utahcounty.gov
Recorded by Vicky Westergard, Tax Administration Clerk